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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,448

11/16/2005

Nikolay Khanzhin

427-US-PCT

1600

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LUNDBECK RESEARCH USA, INC.

ATTENTION: STEPHEN G. KALINCHAK, LEGAL

215 COLLEGE ROAD

PARAMUS, NJ 07652

EXAMINER

KOSACK, JOSEPH R

ART UNIT

PAPER NUMBER

1626

MAIL DATE

DELIVERY MODE

02/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,448

Applicant(s)

KHANZHIN ET AL.

Examiner

Joseph Kosack

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-45 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claims 1-45 are pending in the instant application.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-29 and 37-38 (all in part), drawn to compounds and compositions of Formula I where Y is formula XXIV and W is O.

Group II, claim(s) 1-29 and 37-38 (all in part), drawn to compounds and compositions of Formula I where Y is formula XXIV and W is S.

Group III, claim(s) 1-29 and 37-38 (all in part), drawn to compounds and compositions of Formula I where Y is formula XXV and W is O.

Group IV, claim(s) 1-29 and 37-38 (all in part), drawn to compounds and compositions of Formula I where Y is formula XXV and W is S.

Group V, claim(s) 1-29 and 37-38 (all in part), drawn to compounds and compositions of Formula I where Y is formula XXVI and W is O.

Group VI, claim(s) 1-29 and 37-38 (all in part), drawn to compounds and compositions of Formula I where Y is formula XXVI and W is S.

Group VII, claim(s) 1-29 and 37-38 (all in part), drawn to compounds and compositions of Formula I where Y is formula XXVII.

Group VIII, claim(s) 1-29 and 37-38 (all in part), drawn to compounds and compositions of Formula I where Y is formula XXVIII.

Group IX, claim(s) 1-29 and 37-38 (all in part), drawn to compounds and compositions of Formula I where Y is formula XXXXI and V is N.

Group X, claim(s) 1-29 and 37-38 (all in part), drawn to compounds and compositions of Formula I where Y is formula XXXXI and V is C or CH.

Group XI, claim(s) 1-29 and 37-38 (all in part), drawn to compounds and compositions of Formula I where Y is formula XXXXII and T is N or NH.

Group XII, claim(s) 1-29 and 37-38 (all in part), drawn to compounds and compositions of Formula I where Y is formula XXXXII and T is O.

Group XIII, claim(s) 30-36 and 39-45 (all in part), drawn to methods of use of compounds and compositions of Formula I where Y is formula XXIV and W is O.

Group XIV, claim(s) 30-36 and 39-45 (all in part), drawn to methods of use of compounds and compositions of Formula I where Y is formula XXIV and W is S.

Group XV, claim(s) 30-36 and 39-45 (all in part), drawn to methods of use of compounds and compositions of Formula I where Y is formula XXV and W is O.

Group XVI, claim(s) 30-36 and 39-45 (all in part), drawn to methods of use of compounds and compositions of Formula I where Y is formula XXV and W is S.

Group XVII, claim(s) 30-36 and 39-45 (all in part), drawn to methods of use of compounds and compositions of Formula I where Y is formula XXVI and W is O.

Group XVIII, claim(s) 30-36 and 39-45 (all in part), drawn to methods of use of compounds and compositions of Formula I where Y is formula XXVI and W is S.

Group XIX, claim(s) 30-36 and 39-45 (all in part), drawn to methods of use of compounds and compositions of Formula I where Y is formula XXVII.

Group XX, claim(s) 30-36 and 39-45 (all in part), drawn to methods of use of compounds and compositions of Formula I where Y is formula XXVIII.

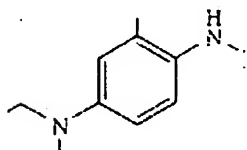
Group XXI, claim(s) 30-36 and 39-45 (all in part), drawn to methods of use of compounds and compositions of Formula I where Y is formula XXXXI and V is N.

Group XXII, claim(s) 30-36 and 39-45 (all in part), drawn to methods of use of compounds and compositions of Formula I where Y is formula XXXXI and V is C or CH.

Group XXIII, claim(s) 30-36 and 39-45 (all in part), drawn to methods of use of compounds and compositions of Formula I where Y is formula XXXXII and T is N or NH.

Group XXIV, claim(s) 30-36 and 39-45 (all in part), drawn to methods of use of compounds and compositions of Formula I where Y is formula XXXXII and T is O.

The inventions listed as Groups I-XXIV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the core structure:



is known in the art and therefore there is no special technical feature that links the inventions together. See Butlin et al. (USPN 6,498,275).

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

the species of claim 28

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also delineate the substitutions on the generic structure in order to yield the species or a chemical structure of the species and identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the reasons given above for the main groups.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

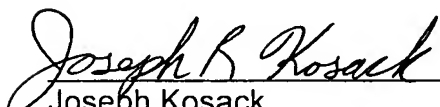
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Kosack whose telephone number is (571)-272-5575. The examiner can normally be reached on M-Th 6:30 A.M. until 5:00 P.M.

Application/Control Number:
10/550,448
Art Unit: 1626

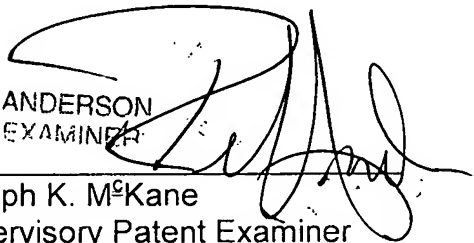
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571)-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joseph Kosack
Patent Examiner
Art Unit 1626

REBECCA ANDERSON
PRIMARY EXAMINER


Joseph K. McKane
Supervisory Patent Examiner
Art Unit 1626